

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LUIS CUEVAS
Plaintiff

v.

DANIEL ST. JULIETTE and
LANDSTAR RANGER, INC.
Defendants

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C.A. NO. 4:22-CV-2510

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 and Local Rule 81 of the United States District Court for the Southern District of Texas, **DANIEL ST. JULIETTE** and **LANDSTAR RANGER, INC.**, Defendants in the above-referenced case, having been served with citation and Plaintiff's Original Petition, file this Notice of Removal. Grounds for removal are as follows:

1. On July 1, 2022, Plaintiff, Luis Cuevas, filed an action styled: Cause No. CV53610; *Luis Cuevas v. Daniel St. Juliette and Landstar Ranger, Inc.*; in the 329th District Court of Wharton County, Texas (the "State Court Action").
2. Defendants, **DANIEL ST. JULIETTE** and **LANDSTAR RANGER, INC.**, filed an Answer and Demand for Jury Trial in the State Court Action on July 21, 2022.
3. Pursuant to L.R. 81, Defendants attach true and correct copies of the following documents as Exhibits to this Notice of Removal:
 - a) Exhibit 1 – Plaintiff's Original Petition in the State Court Action;
 - b) Exhibit 2 – Defendants' Original Answer;
 - c) Exhibit 3 – Defendants' Demand for Jury Trial;
 - d) Exhibit 4 – Docket Sheet;
 - e) Exhibit 5 – Index of Matters Being Filed; and
 - f) Exhibit 6 - List of Parties and Counsel.

4. In the State Court Action, Plaintiff alleges that on June 9, 2022, Plaintiff was driving on 59 N. and 523 when he fully changed lanes and alleges that Defendant, Daniel St. Juliette, turned into the same lane striking Plaintiff's vehicle.
5. Pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction over the State Court Action, because the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. Additionally, pursuant to 28 U.S.C. §§ 1441(a)-(c) and 1446(b), Defendants may remove the State Court Action to this Court.

AMOUNT IN CONTROVERSY

6. Plaintiff seeks recovery of damages for past and future necessary and reasonable medical expenses; past and future physical pain and mental anguish; past and future physical impairment; past and future disfigurement; and past and future loss of income and reduced wage-earning capacity. Plaintiff seek monetary relief of over \$250,000.00 but no more than \$1,000,000.00. Therefore, the amount in controversy requirement of 28 U.S.C. § 1332(a) is satisfied.

DIVERSITY OF CITIZENSHIP

7. Plaintiff alleges that he is a resident of Harris County, Texas. Defendant Daniel St. Juliette is an individual who is a resident of the State of New York and whose address is 13712 Frankton St., Rosedale, New York 11422, and is not a citizen of Texas. Defendant Landstar Ranger, Inc. is a corporation that is incorporated in the State of Delaware and has its principal place of business at 13410 Sutton Park Drive South, Jacksonville, Florida 32224; thus it is a Delaware and Florida citizen and not a citizen of Texas. Therefore, the diversity of citizenship requirement in 28 U.S.C. § 1332(a)(1) is satisfied.

PROPER VENUE

8. Pursuant to 28 U.S.C. § 1441(a), Defendants may remove any state civil action of which the district courts of the United States have original jurisdiction to that district and division embracing the place where such action is pending. Here, Plaintiff filed the State Court Action in Wharton County, Texas state district court. The United States District Court for the Southern District of Texas – Houston Division encompasses Wharton County, Texas. Therefore, this district and division are the proper venue to remove the State Court Action.

TIMELINESS OF REMOVAL

9. Defendant, Landstar Ranger, Inc., was served with process (Citation and Plaintiff's Original Petition) on or about July 5, 2022. Defendants file this Notice of Removal dated within 30 days of being served. Pursuant to the 30-day deadline set forth in 28 U.S.C. § 1446(b)(1), Defendants' removal is timely.
10. Defendant, Daniel St. Juliette, was served with process (Citation and Plaintiff's Original Petition) on or about July 5, 2022. Defendants file this Notice of Removal dated within 30 days of being served. Pursuant to the 30-day deadline set forth in 28 U.S.C. § 1446(b)(1), Defendants' removal is timely.

CONSENT OF DEFENDANTS

11. Both Defendants have been served in this action, and removal is proper.
12. Defendants will promptly file a copy of this Notice of Removal with the Wharton County District Clerk's Office and will promptly serve same on Plaintiff in accordance with 28 U.S.C. § 1446(d) and *Nixon v. Wheatley*, 368 F.Supp.2d 635, 640 (E.D. Tex. 2005).
13. The filing fee has been paid to the Clerk.

14. In accordance with 28 U.S.C. § 1446(a), Local Rule 81 and as set forth above, a copy of all processes, pleadings, and other required documents are attached hereto as Exhibits 1 - 6.
15. This Notice of Removal is filed subject to and without waiving any defenses or objections to Plaintiff's Original Petition as allowed by the Federal Rules of Civil Procedure and/or by any applicable state or federal law.
16. Considering the foregoing, Defendants, Daniel St. Juliette and Landstar Ranger, Inc., respectfully request that the State Court Action, Cause No. CV53610; *Luis Cuevas v. Daniel St. Juliette and Landstar Ranger, Inc.*; in the 329th District Court of Wharton County, Texas, be removed to this Honorable Court.

Respectfully submitted,

FEE, SMITH & SHARP, LLP



By: _____

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**ATTORNEYS FOR DEFENDANTS,
DANIEL ST. JULIETTE AND
LANDSTAR RANGER, INC.**

CERTIFICATE OF SERVICE

The undersigned attorney certifies that a true and correct copy of the above and foregoing document has been forwarded to all counsel of record as listed below by e-filing, hand delivery, by certified mail, return receipt requested, and/or by facsimile transmission, on this the 28th day of July, 2022.

Jesus A. Salinas
Daspit Law Firm
440 Louisiana St., Suite 1400
Houston, Texas 77002

A handwritten signature in cursive script, appearing to read "Maria L. Fox".

MARIA L. FOX